

**SUPREME COURT MINUTES  
TUESDAY, JUNE 30, 2009  
SAN FRANCISCO, CALIFORNIA**

**S029843****PEOPLE v. BECK (JAMES  
DAVID) & CRUZ (GERALD  
DEAN)**

Extension of time granted

Good cause appearing, and based upon counsel Andrew Parnes's representation that he anticipates filing James David Beck's reply brief by January 15, 2010, counsel's request for an extension of time in which to file that brief is granted to August 24, 2009. After that date, only three further extensions totaling about 140 additional days are contemplated.

**S168781**      C057241 Third Appellate District**PEOPLE v. SWEIG (TRAVIS)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's reply brief on the merits is extended to July 21, 2009.

**S106489****PEOPLE v. WEATHERTON  
(FRED LEWIS)**

Counsel appointment order filed

Upon request of appellant for appointment of counsel, Lisa R. Short is hereby appointed to represent appellant Fred Lewis Weatherton for habeas corpus/executive clemency proceedings related to the above automatic appeal now pending in this court.

**S149178**      A110137 First Appellate District, Div. 3**MILLER (PAUL) v. BANK OF  
AMERICA, NT & SA**

Order filed

The finality of the opinion in the above-entitled case is hereby extended to July 31, 2009, or until further order of this court.

**S172627****SOWARDS ON DISCIPLINE**

Recommended discipline imposed

The court orders that RAY WILLIAM SOWARDS, State Bar Number 139952, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and he is placed on probation for two years subject to the following conditions:

1. RAY WILLIAM SOWARDS is suspended from the practice of law for the first six months of probation;
2. RAY WILLIAM SOWARDS must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on January 9, 2009; and
3. At the expiration of the period of probation, if RAY WILLIAM SOWARDS has complied with all conditions of probation, the two-year period of stayed suspension will be satisfied and that suspension will be terminated.

RAY WILLIAM SOWARDS must take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. Failure to do so may result in an automatic suspension. (Cal. Rules of Court, rule 9.10(b).)

RAY WILLIAM SOWARDS must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

**S172629****STERNBERG ON  
DISCIPLINE**

Recommended discipline imposed

The court orders that CAROLINE SUE STERNBERG, State Bar Number 122078, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and she is placed on probation for two years subject to the following conditions:

1. CAROLINE SUE STERNBERG is suspended from the practice of law for the first 30 days of probation;
2. CAROLINE SUE STERNBERG must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Decision filed November 26, 2007, as modified on November 28, 2007; and
3. At the expiration of the period of probation, if CAROLINE SUE STERNBERG has complied with all conditions of probation, the two-year period of stayed suspension will be satisfied and that suspension will be terminated.

CAROLINE SUE STERNBERG must take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. Failure to do so may result in an automatic suspension. (Cal. Rules of Court, rule 9.10(b).)

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

**S172631****POLLOCK, JR., ON  
DISCIPLINE**

Recommended discipline imposed

The court orders that WOODROW WILSON POLLOCK, JR., State Bar Number 67165, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and he is placed on probation for one year subject to the following conditions:

1. WOODROW WILSON POLLOCK, JR., is suspended from the practice of law for the first 30 days of probation;
2. WOODROW WILSON POLLOCK, JR., must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on January 14, 2009; and
3. At the expiration of the period of probation, if WOODROW WILSON POLLOCK, JR., has complied with all conditions of probation, the one-year period of stayed suspension will be satisfied and that suspension will be terminated.

WOODROW WILSON POLLOCK, JR., must take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. Failure to do so may result in an automatic suspension. (Cal. Rules of Court, rule 9.10(b).)

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-half of the costs must be paid with his membership fees for the years 2010 and 2011. If WOODROW WILSON POLLOCK, JR., fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately unless relief has been granted.

**S172633****DONNELLY ON DISCIPLINE**

Recommended discipline imposed

The court orders that PATRICK J. DONNELLY, State Bar Number 133926, is suspended from the practice of law in California for five years, execution of that period of suspension is stayed, and he is placed on probation for five years subject to the following conditions:

1. PATRICK J. DONNELLY is suspended from the practice of law for a minimum of the first three years of probation, and he will remain suspended until the following requirements are satisfied:
  - i. He makes restitution to Kimberly Ellis aka Kincaid in the amount of \$1,445 plus 10 percent interest per year from May 1, 2007 (or reimburses the Client Security Fund, to the extent of any payment from the fund to Kimberly Ellis aka Kincaid, in accordance with Business and Professions Code section 6140.5) and furnishes satisfactory proof to the State Bar's Office of Probation in Los Angeles;
  - ii. He makes restitution to Debbie Arbaugh in the amount of \$1,500 plus 10 percent interest per year from November 11, 2004 (or reimburses the Client Security Fund, to the extent of any payment from the fund to Debbie Arbaugh, in accordance with Business and Professions Code section 6140.5) and furnishes satisfactory proof to the State Bar's

Office of Probation in Los Angeles;

- iii. He makes restitution to Jennifer Debold in the amount of \$1,600 plus 10 percent interest per year from May 23, 2006 (or reimburses the Client Security Fund, to the extent of any payment from the fund to Jennifer Debold, in accordance with Business and Professions Code section 6140.5) and furnishes satisfactory proof to the State Bar's Office of Probation in Los Angeles;
  - iv. He provides proof to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law before his suspension will be terminated. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.4(c)(ii).);
2. PATRICK J. DONNELLY must also comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on December 11, 2008; and
  3. At the expiration of the period of probation, if PATRICK J. DONNELLY has complied with all conditions of probation, the five-year period of stayed suspension will be satisfied and that suspension will be terminated.

PATRICK J. DONNELLY must also take and pass the Multistate Professional Responsibility Examination during the period of his suspension. Failure to do so may result in an automatic suspension. (Cal. Rules of Court, rule 9.10(b).)

PATRICK J. DONNELLY must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

## **S172636**

## **COX II ON DISCIPLINE**

Recommended discipline imposed

The court orders that ELMER JOSEPH COX II, State Bar Number 114427, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and he is placed on probation for two years subject to the following conditions:

1. ELMER JOSEPH COX II, must comply with the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed December 15, 2008; and
2. At the expiration of the period of probation, if ELMER JOSEPH COX II, has complied with the terms of probation, the one-year period of stayed suspension will be satisfied and that suspension will be terminated.

ELMER JOSEPH COX II, must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. Failure to do so may result in an automatic suspension. (Cal. Rules of Court, rule 9.10(b).)

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7

and as a money judgment.

**S172637****BITKOWER ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that MARSHALL L. BITKOWER, State Bar Number 47478, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

MARSHALL L. BITKOWER must make restitution as recommended by the Hearing Department of the State Bar Court in its decision filed December 11, 2008. Any restitution owed to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivisions (c) and (d).

MARSHALL L. BITKOWER must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

**S172640****BAKER ON DISCIPLINE**

Recommended discipline imposed

The court orders that SCOTT G. BAKER, State Bar Number 187710, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, subject to the following conditions:

1. SCOTT G. BAKER is suspended from the practice of law for a minimum of one year, and he will remain suspended until the following requirements are satisfied:
  - i. He makes restitution to Joanne Dixon in the amount of \$3,990 plus 10 percent interest per year from March 1, 2007 (or reimburses the Client Security Fund to the extent of any payment from the fund to Joanne Dixon, in accordance with Business and Professions Code section 6140.5) and furnishes satisfactory proof to the State Bar's Office of Probation in Los Angeles;
  - ii. The State Bar Court grants a motion to terminate his suspension pursuant to rule 205 of the Rules of Procedure of the State Bar. SCOTT G. BAKER must comply with the conditions of probation, if any, imposed by the State Bar Court as a condition for terminating his suspension;
  - iii. If he remains suspended for two years or more as a result of not satisfying the preceding conditions, he must also provide proof to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law before his suspension will be terminated. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.4(c)(ii).)

SCOTT G. BAKER must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or

suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

**BAR MISC. 4186    IN THE MATTER OF THE APPLICATION OF THE COMMITTEE  
OF BAR EXAMINERS OF THE STATE BAR OF CALIFORNIA  
FOR ADMISSION OF ATTORNEYS (MOTION NO. 875)**

The written motion of the Committee of Bar Examiners that the following named applicants, who have fulfilled the requirements for admission to practice law in the State of California, be admitted to the practice of law in this state is hereby granted, with permission to the applicants to take the oath before a competent officer at another time and place:

(SEE ORIGINAL APPLICATION FOR THE LIST OF NAMES ATTACHED.)